

REMARKS

Withdrawal of the final rejection, and reconsideration of the subject application are respectfully requested in view of the foregoing amendments and the following remarks

Upon entry of the above amendments, claims 1, 2, 4, 5, 7, 10, 11 and 17 will be pending.

Claim 1 is amended by changing the transitional phrase "comprising" to --consisting of-- and by more explicitly clarifying that the component (3) monomer is a component of polymer (C), *i.e.*, a comonomer. In addition, the comonomer is now more particularly recited as an epoxy-containing comonomer. Since previous claims 2 and 4 already required an epoxy-containing comonomer, this amendment does not raise any new issues requiring further search or consideration.

Claim 1 is further amended to be directed to the embodiment wherein the component (1) includes an organic phosphorous compound (A) and melamine or a melamine condensation product (B). Support for the compound derived from melamine being a melamine condensation product is found in the disclosure on page 5, lines 26-27 (*see*, also page 6, lines 1-9). This amendment was necessitated by the newly cited prior art and new grounds for rejection. In addition, previous claim 8 already recited specific embodiments of melamine condensation products, *e.g.*, melam and melem.

Claim 9 is rewritten as new claim 17 which is based on a combination of claims 1 and 13. Therefore, the presentation of claim 17 does not raise any new issues requiring further consideration or search.

Furthermore, no new matter is added by the claim amendments and the total number of claims remaining after amendment is fewer than the number of finally rejected claims.

The amendments were not presented sooner because they are responsive to the new grounds of rejection.

Accordingly, entry of the amendments after final rejection is respectfully requested.

Applicants note with appreciation that former claim 6 has been indicated as allowable. Although cancelled from this application Applicants reserve the right to separately prosecute the cancelled subject matter of claim 6 and any other disclosed but unclaimed subject matter, whether broader or narrower in any respects than the currently pending claims.

Applicants request reconsideration and withdrawal of the rejection of claims 1-5, and 7-13, under 35 USC 102(a) as anticipated by BASF AG DE 196 53 042, with Gareiss et al (US 6469,095) as its English translation (hereafter collectively referred to as "Gareiss").

Gareiss describes flame-proofed molding materials which comprise (A) from 10 to 90% of at least one thermoplastic polymer (including polycarbonates and polyesters, polyamides, polyphenylene ethers); (B) from 1 to 20% of a polyethylene which contains carboxylic groups; (C) from 5 to 60% of a halogen-free flame retardant; and (D) from 0 to 70% by weight of other additives and processing aids (*e.g., fibrous fillers*).

Gareiss does not disclose a flame-retardant composition one component of which is a polyolefin containing at least one olefin monomer and an epoxy group-containing comonomer as now required in each of the independent claims 1 and 17.

In this regard, it is noted that the inclusion of claims 4 and 5 in the rejection relying on Gareiss was misplaced since there is no disclosure of an ethylene/acrylic ester/glycidyl methacrylate copolymer as set forth in these claims.

Accordingly, the rejection under Section 102(a) based on Gareiss should be withdrawn in view of the current amendments.

Applicants request reconsideration and withdrawal of the rejection of claims 1-5, 7-10 and 12-14, under 35 U.S.C. 102(e), in view of Klatt et al (US 6,538,054) (hereafter referred to as "Klatt").

Klatt describes flame-proof molding compounds which include specified proportions of (A) polyester; (B) melamine cyanurate; (C) at least one phosphorus-containing flame retardant; (D) at least one ester or amide derived from a saturated or unsaturated aliphatic carboxylic acid having from 10 to 40 carbon atoms and a saturated alcohol or amine having from 2 to 40 carbon atoms; and, optionally, (E) other additives and processing aids. Klatt also discloses that elastomeric impact modifiers may be included in the molding compositions and mentions as one class of such impact modifiers copolymers of ethylene with (meth)acrylic acid and/or esters of these acids which may further include dicarboxylic acids and/or epoxy-containing monomers.

Klatt does not describe a flame-proof molding composition which includes either (1) an organic phosphorus compound (A) and melamine or a melamine condensation product (B) or (1') an amine phosphorous compound (AB), as required in each of the independent claims.

Accordingly, the rejection relying on Klatt as anticipatory of the claimed invention should be withdrawn in view of the current amendments.

Applicants request reconsideration and withdrawal of the rejection of claims 1-5, 7-9 and 11-13, under 35 U.S.C. 102(b), as anticipated by Taubitz et al (US 4,866,114) (hereafter referred to as "Taubitz").

Taubitz describes self-extinguishing thermoplastic molding materials based on polyphenylene ether/polyamide polymers. As noted in the rejection, the compositions may include ethylene/n-butyl acrylate/maleic anhydride copolymers.

Taubitz does not disclose a self-extinguishing thermoplastic molding material which includes a polymer comprising at least one olefin monomer and at least one comonomer containing epoxy groups as now required in each of the independent claims.

Accordingly, the rejection for anticipation based on Taubitz should be withdrawn in view of the current amendments.

Applicants request reconsideration and withdrawal of the rejection of claims 14 and 15 as anticipated by Saltman, US 5,091,478 or Statz, US 5,889,114.

Since claims 14 and 15 are cancelled, this ground for rejection is moot and should be withdrawn.

Applicants request reconsideration and withdrawal of the rejection of claims 1-5 and 7-14, under 35 U.S.C. 103(a), as unpatentably obvious over Gareiss, Klatt or Taubitz.

As noted above, Gareiss and Taubitz do not disclose or suggest a polymer comprising at least one olefin monomer and at least one comonomer containing epoxy groups.

Therefore, the present claims would not have been *prima facie* obvious in view of either of Gareiss or Taubitz.

Moreover, as noted above, Klatt does not disclose a flame-retardant composition which includes either (1) both an organic phosphorous compound (A) and melamine or melamine condensation product (B) or (1') a melamine-phosphorous compound (AB). Furthermore, Klatt does not address the problem of the long after-burning time of flame retardant compositions, such as glass fiber reinforced polyester or polyamide compositions containing organic phosphorous compound and melamine based compound as in the components (1) or (1') as disclosed in the in the present application.

Accordingly, the rejection relying on any one of Gareiss, Taubitz or Klatt as rendering the claimed invention obvious should be withdrawn.

Applicants request reconsideration and withdrawal of the rejection of claims 14 and 15, under 35 U.S.C. 103(a), as unpatentable over Saltman or Statz.

In view of the cancellation of these claims, this rejection is moot and should be withdrawn.

In summary, the prior art of record does not disclose or suggest the subject matter as set forth in currently pending claims 1, 2, 4, 5, 7, 10, 11 and 17.


Favorable reconsideration and allowance of the application is, therefore, respectfully requested.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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